

### **REMARKS / ARGUMENTS**

In the present amendment, claims 1, 3, 5, 14, and 20 are amended, and claim 22 will be added. Claim 2 is canceled, with claims 1 and 5 being independent claims. Claims 8-11 and 16-19 have been previously canceled. Therefore, claims 1, 3-7, 12-15, 20-22 remain pending. Of the pending claims, claims 1, 3-4, 6, 14, 15, 19, and 22 are under consideration, and claims 5, 7, 12, 13, 20 and 21 are withdrawn from consideration.

Applicants note that added claim 22 to a pharmaceutical composition is supported by Applicants' original disclosure at page 2, lines 18-19 and page 4, lines 3-5, inter alia.

Reconsideration and withdrawal of the rejections, the restriction requirement and objections and allowance of the application are respectfully requested.

#### **Allowable Subject Matter**

Applicants acknowledge the withdrawal of the rejection of claims 1-4, 14, and 15 under 35 U.S.C. § 101 as well as the withdrawal of the rejection of claims 8-11 and 16-19 under 35 U.S.C. § 112, first paragraph. Further, Applicants express appreciation for the withdrawal of the 35 U.S.C. § 102(b) rejection of claims 1-4, 6, 8-11, and 14-19 as being anticipated by Steward.

Applicants further acknowledge the Office's indication that claims 1 and 5 would be allowable if rewritten to overcome the new rejection under 35 U.S.C. § 112, second paragraph, as discussed below.

### **Claim of Priority**

The Examiner has acknowledged the claim for priority to Japanese Application No. 10/277361, filed September 30, 1998, and receipt of the certified copy which has, in fact, been received in this national phase application from the International Buureau.

### **Response to Restriction Requirement**

The Examiner has maintained the restriction requirement. Applicants respectfully request reconsideration of the restriction requirement, especially in view of the withdrawal of the 102(b) rejection in the current Office Action. The Examiner has admitted that the prior art does not teach an HIV-1 Vpr protein wherein 15 amino acids are truncated from the C terminus. Further, the Examiner has stated in the Supplemental Restriction requirement of August 24, 2005, that the common technical feature among the claims is truncated HIV-1 Vpr protein.

Therefore, in accordance with the unity of invention rule, such as 37 C.F.R. 1.475, unity of invention is present, and each of the pending claims should be examined.

### **Response to Rejection under 35 U.S.C. § 112 , Second Paragraph**

The Office Action has maintained the rejection of claim 2 under 35 U.S.C. § 112, second paragraph, as being indefinite. The rejection asserts that claim 2 does not further limit independent claim 1.

In response, Applicants respectfully submit that in order to advance prosecution of the application, and without expressing any agreement or acquiescence with the rejection, claim 2 has been canceled which renders the rejection moot.

**Response to new Rejection under 35 U.S.C. § 112, Second Paragraph**

The Office Action has made a new rejection of claims 1 and 5 under 35 U.S.C. § 112, second paragraph, arguing that the amendments filed May 4, 2005, necessitated the rejection. The Examiner asserts that claims 1 and 5 are vague and indefinite because of the language “an isolated protein as being Vpr protein”. The Examiner suggests amending the claims to “an isolated Vpr protein” will clarify the language.

Applicants have amended claims 1 and 5 as suggested by the Examiner. Therefore, Applicants respectfully request withdrawal of the rejection of claims 1 and 5 under 35 U.S.C. § 112, second paragraph.

**Response to new Rejection under 35 U.S.C. § 112, First Paragraph**

Claim 2 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action asserts that the specification provides no guidance as to which amino acids may be changed while retaining the peptide activity and that undue experimentation would be required.

In response, as noted before, in order to advance prosecution of the application, and without expressing any agreement or acquiescence with the rejection, claim 2 has

P20825.A20

been canceled. Accordingly, withdrawal of the rejection of claim 2 under 35 U.S.C. 112, first paragraph, is respectfully requested.

**Response to Claim Objection**

Claims 3, 4, 6, 14, and 15 are objected to as being dependent upon rejected claims. Applicants respectfully submit that the pending claims should be in condition of allowance. Accordingly, withdrawal of the objection to the claims is respectfully requested.

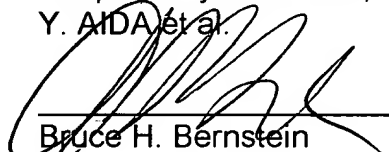
### CONCLUSION

In view of the forgoing, the Examiner is respectfully requested to reconsider and withdraw the rejections, restriction requirement and objections of record, and allow all the pending claims.

Allowance of the application is requested , with an early mailing of the Notices of Allowance and Allowability.

If the Examiner has any questions or wish to further discuss this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,  
Y. AIDA et al.

  
Bruce H. Bernstein  
Reg. No. 29,027

November 29, 2005  
GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191

Arnold Turk      Arnold Turk  
Reg. No. 33,094      Reg. No. 33,094

Reg. No. 33,094  
Arnold Turk